

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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ROBERT MALLETTE,

Plaintiff,

-against-

MICHAEL J. ASTRUE,
COMMISSIONER OF SOCIAL SECURITY.

Defendant.

CONSENT ORDER TO
REMAND PURSUANT TO
SENTENCE 4 OF 42 U.S.C. § 405(g)

Civil Action
No. CV-07-1159

GLS/GHL

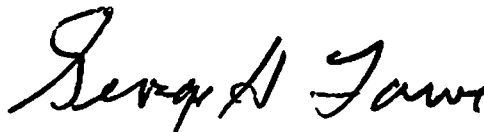
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This matter having been opened to the Court by ANDREW T. BAXTER, Acting United States Attorney for the Northern District of New York, and Somnattie Ramrup, Special Assistant United States Attorney, attorneys for the Defendant, for an Order remanding the within cause of action to the Defendant pursuant to sentence 4 of 42 U.S.C. § 405(g) so that further administrative action may be taken; and Plaintiff, through the undersigned attorney, having consented to the within order and the requested remand, and the Court having considered the matter,

IT IS on this 9th day of February, 2009;

ORDERED that the final decision of the Commissioner be and hereby is REVERSED, and the matter is REMANDED to the Defendant for further administrative action, and it is further

ORDERED that the within matter, be and hereby is, DISMISSED in accord with the decision in Melkonyan v. Sullivan, 501 U.S. 89 (1991).



GEORGE H. LOWE, Magistrate Judge
United States District Court

The undersigned hereby consent to the form and entry of the within order.

ANDREW T. BAXTER
Acting United States Attorney

By: /s/ Sommattie Ramrup
Sommattie Ramrup
Special Assistant U.S. Attorney
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CHRISTINE A. SCOFIELD, ESQ.

By: /s/ Christine A. Scofield
Christine A. Scofield
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